

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PHILLIP W HARMS
Claimant

APPEAL NO: 21A-UI-15481-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (1R)

PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

On June 30, 2021, the claimant filed an appeal from the June 23, 2021, (reference 05) unemployment insurance decision that concluded he was overpaid \$9,000.00 in Federal Pandemic Unemployment Compensation (FPUC). After proper notice, a telephone hearing was conducted on August 31, 2021. The claimant participated. Official notice of the administrative records was taken.

ISSUE:

Is the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 22, 2020.

The claimant received federal unemployment insurance benefits through Federal Pandemic Unemployment Compensation (FPUC). Claimant received \$9,000.00 in federal benefits for the period of week ending April 11, 2020 through week ending July 11, 2020.

The Iowa Workforce Development representative's unemployment insurance decision that disqualified the claimant from receiving state unemployment insurance benefits from week ending April 11, 2020 through week ending July 11, 2020, has been affirmed in appeal 21A-UI-04845-JTT-T by an administrative law judge. The claimant appealed the decision to the EAB and that decision was affirmed in 21B-UI-04845.

The claimant is currently approved for Pandemic Unemployment Assistance (PUA). It is unclear what time period the claimant has been approved. Whether the PUA benefits should be used to partially offset the overpayment of FPUC benefits has not yet been reviewed by the Benefits Bureau.

If the claimant would like to request a waiver of the repayment of the FPUC benefits he received he can do so by following the link that is stated under the "Note to Claimant" at the end of the decision.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid FPUC benefits.

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

PL116-136, Sec. 2104 provides, in pertinent part:

(b) Provisions of Agreement

(1) Federal pandemic unemployment compensation.--Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of \$600 (in this section referred to as "Federal Pandemic Unemployment Compensation").

....

(f) Fraud and Overpayments

(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

The FPUC program was extended and the weekly benefit amount was reduced to \$300.00 by the consolidated Appropriations Act, 2021.

Here, the claimant is disqualified from receiving regular unemployment insurance (UI) benefits. Accordingly, this also disqualifies claimant from receiving Federal Pandemic Unemployment

Compensation (FPUC) for fifteen weeks ending July 11, 2020. The claimant was overpaid \$9,000.00 in Federal Pandemic Unemployment Compensation (FPUC) from week ending April 11, 2020 through week ending July 11, 2020.

Whether the claimant's overpayment of FPUC benefits should be partially recovered from his PUA benefits is remanded to the Benefits Bureau for review.

DECISION:

The unemployment insurance decision dated June 23, 2021, (reference 05), is AFFIRMED. The claimant was overpaid \$9,000.00 in Federal Pandemic Unemployment Compensation (FPUC).

REMAND:

The claimant testified that he qualified for PUA benefits. Claimant is unclear the time period that he qualified for benefits. If the benefits bureau has not done so already, the benefits bureau should determine whether claimant is entitled to PUA benefits from week ending April 11, 2020 through week ending July 11, 2020. Whether the claimant's overpayment of FPUC benefits should be partially recovered from his PUA benefits is remanded to the Benefits Bureau for review.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

September 7, 2021
Decision Dated and Mailed

cs/mh

Note to Claimant:

This decision determines you have been overpaid FPUC under the CARES Act. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>